



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

July 27, 1990

Mr. A.W. Pogue
Commissioner
State Board of Insurance
1110 San Jacinto
Austin, Texas 78701-1998

OR90-339

Dear Mr. Pogue:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9332.

You received a request for a copy of a memorandum prepared by a staff member regarding an interpretation of the rebating statute. That document was mentioned in OR90-099 as being outside the scope of the request. Therefore, informal letter OR90-099 did not consider whether the document could be withheld from the public. You now raise section 3(a)(11) of the Open Records Act as applicable to this memorandum.

The memo is a request for a legal opinion. It sets out the question in some detail, but does not itself express an opinion, give advice, or make a recommendation. Accordingly, it is not excepted from disclosure by section 3(a)(11) of the open records act. See Attorney General Opinion H-436 (1974).

Some exhibits are attached to the memo, and there are annotations on exhibit I, apparently by the author of the memo. These annotations are expressions of opinion that are excepted from disclosure by section 3(a)(11).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a

published open records decision. If you have questions about this ruling, please refer to OR90-339.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/le

Ref.: ID# 9332, OR90-099

Enclosures: Marked Documents
Attorney General Opinion H-436

cc: Karen Cox
State Board of Insurance
Legal & Compliance 016-1

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